



Paul R. LePage
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Anne L. Head, Esq.
Commissioner

Geraldine L. Betts
Administrator

Maine Board of Pharmacy
Minutes of February 2, 2017 Board Meeting

CALL TO ORDER

President Bruno called the meeting to order at 8:00 a.m.

MEMBERS PRESENT

Joseph Bruno, R.Ph., Pharmacist, President
Bradley Hamilton, R.Ph., Chain Pharmacist, Vice President
Kevin Holland, R.Ph., Complaint Officer
Shane Savage, R.Ph., Independent Pharmacist
Kirsten Martin, Public Member
Jason Tremblay, R.Ph., Hospital Pharmacist

MEMBERS ABSENT

Linda Varrell, Public Member

STAFF PRESENT

Andrew Black, AAG, Board Attorney
Geraldine L. Betts, Administrator
Thomas Avery, Chief Field Investigator
Kelly McLaughlin, Comprehensive Health Planner I
Jessica Gowell, Senior Consumer Assistant Specialist
AJ Paradis, Planning and Research Associate I

OLD BUSINESS

Review and approval of the minutes of January 5, 2017

In a motion by Hamilton, seconded by Martin, to accept the minutes of January 5, 2017.
Unanimously voted. Tremblay abstained.

NEW BUSINESS

Adjudicatory Hearing – Clarice Davis – 2016 PHA 12112

In a motion by Hamilton, seconded by Martin, that sufficient evidence exists to schedule 2016 PHA 12112 for an adjudicatory hearing and to offer an amended consent agreement to include the following: 1) Admission to violation of 32 M.R.S. § 13742-A(1)(C), Board Rules chapter 30

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OFFICE LOCATION: GARDINER ANNEX
76 NORTHERN AVENUE, GARDINER, MAINE

section 1(21) and 22 M.R.S. § 1711-C; 2) Reprimand; and 3) A prohibition against applying for licensure as a pharmacy technician with the Board for a period of three (3) years, which shall commence on February 2, 2017. Unanimously voted.

Complaint Committee's Report

2016 PHA 12651

In a motion by Savage, seconded by Hamilton, to dismiss 2016 PHA 12651 with no evidence of a violation of the Board's Laws and Rules. Unanimously voted. Complaint Officer recused.

2016 PHA 12659

In a motion by Hamilton, seconded by Savage, to offer a consent agreement to include the following: 1) Admission to violation of 32 M.R.S. § 13742-A, 32 M.R.S. § 13742-C and Board Rules Chapter 30 § 1 (17); 2) Immediate surrender of his Pharmacist license and certificate to administer drugs and vaccines; and 3) May at appropriate intervals petition the Board for reinstatement of his licenses, but must do so in accordance with 32 M.R.S. § 13743(2). Unanimously voted. Complaint Officer recused.

2016 PHA 12689

In a motion by Savage, seconded by Tremblay, to dismiss 2016 PHA 12689 with a Letter of Guidance regarding avoiding dispensing a controlled substance without a prescription, the pharmacist must make every effort to track down the patient's subscriber and must encourage the patient to do the same. When facing such a situation, the pharmacist must be extra vigilant and employ due diligence to the fullest extent. The Letter of Guidance is to remain on file for a period of ten (10) years. Unanimously voted. Complaint Officer recused.

2016 PHA 12887

In a motion by Martin, seconded by Savage, to impose an immediate suspension of license in the matter of 2016 PHA 12887 for a period not to exceed thirty (30) days pursuant to 5 M.R.S. § 10004(3); The Board found that continued licensure will pose an immediate jeopardy to the public and failure to suspend the license will fail to adequately respond to the known risk. Unanimously voted. Complaint Officer recused.

In a motion by Martin, seconded by Savage, that sufficient evidence exists to schedule 2016 PHA 12887 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 32 M.R.S. § 13742-A(1)(A) and (C), and Board Rules Chapter 30 § 1 (17); 2) Reprimand; and 3) Revocation. Unanimously voted. Complaint Officer recused.

Board Action on Initial Applications

Kara Cyr, PT60012827

In a motion by Martin, seconded by Savage, to preliminary deny pharmacy technician licensure to Kara Cyr, PT60012827 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(1); 2) Warning; and 3) \$250.00 fine. Unanimously voted.

Kassaundra Michaud, PT60011759

Hamilton recused and left the room.

In a motion by Holland, seconded by Tremblay, to re-offer the preliminary denial with the consent agreement as originally proposed. Unanimously voted. Hamilton recused.

Sarah Skillin, PT60012813

In a motion by Savage, seconded by Martin, to accept staff's recommendation and grant licensure to Sarah Skillin, PT60012813, as presented. Unanimously voted.

Tina Miele, PT60012858

Hamilton recused and left the room.

In a motion by Savage, seconded by Martin, to accept staff's recommendation and grant licensure to Tina Miele, PT60012858, as presented. Unanimously voted. Hamilton recused.

Board Action on Renewal Applications

Orono Pharmacy, PH50001103

In a motion by Savage, seconded by Holland, on the advice of the Assistant Attorney General, Andrew Black, to rescind the preliminary denial with an offer of a consent agreement and grant renewal licensure to Orono Pharmacy, PH50001103. Unanimously voted.

Physician Specialty Pharmacy LLC, MO40001746

In a motion by Martin, seconded by Tremblay, to issue the license upon receipt of the signed Consent Agreement. Unanimously voted.

Correspondence

Brian Kaufman, DO – Request for process fixes

The Board discussed the correspondence and advises Dr. Kaufman that Public Law Chapter 488 (LD 1646 An Act to Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program) is the Department of Health and Human Services Law not a Board of Pharmacy Law. The Board has no recommendations at this time.

Merideth Norris, DO – Concerns

The Board discussed the correspondence and advises Dr. Norris that Public Law Chapter 488 (LD 1646 An Act to Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program) is the Department of Health and Human Services Law not a Board of Pharmacy Law. The Board has no recommendations at this time.

Travel – NABP 113th Annual Meeting May 20-23, 2017

The Board discussed sending delegates to this year's annual meeting. Chair Joseph Bruno and Vice-Chair Bradley Hamilton expressed an interest in attending.

Administrator's Report

Administrator Betts addressed the board about upcoming legislation and communications she will be sending to the board members. Topics may cover direct and indirect items with impact on the Law.

Administrator Betts asked for an individual board member to communicate with directly, President Bruno volunteered.

Administrator Betts addressed Rulemaking from the previous meeting and let the Board know that the draft was submitted for executive review on January 17, 2017. We are currently waiting for approval to be able to move forward.

Public Comments

Greg Cameron stated that the Maine Pharmacy Association (MPA) conference is coming up and that comments could be included in the lectures if necessary.

ADJOURN

There being no further business Bruno motioned to adjourn at 9:14 a.m., seconded by Hamilton. Unanimously voted.